

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X **Docket#**
CHALAMO KAIKOV, : 19-cv-02521-LDH-RER
: :
Plaintiff, : :
: :
- versus - : U.S. Courthouse
: Brooklyn, New York
ARIHAY KAIKOV, et al., : :
: January 5, 2023
Defendants :
-----X

TRANSCRIPT OF CIVIL CAUSE FOR FINAL PRETRIAL CONFERENCE
BEFORE THE HONORABLE RAMON E. REYES, JR.
UNITED STATES MAGISTRATE JUDGE

A P P E A R A N C E S:
(VIA VIDEO/AUDIO)

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1 THE COURT: Good morning. It's Magistrate
2 Judge Reyes. We're holding a telephone conference in
3 *Kaikov v. Kaikov*, docket number 19-cv-2521.

4 Counsel for plaintiff, please state your name
5 for the record.

6 MS. TEMKIN: Maria Temkin, T-E-M-K-I-N, counsel
7 for plaintiff Chalamo Kaikov.

8 THE COURT: Counsel for the defendant?

9 MR. KADOCHNIKOV: Alexander Kadochnikov. Good
10 morning, your Honor.

11 THE COURT: Good morning. So this was
12 scheduled as a final pretrial conference which means that
13 discovery should be complete at this point. Is it?

14 MS. TEMKIN: It is, your Honor.

15 MR. KADOCHNIKOV: It is, your Honor.

16 THE COURT: Great. What is the next step other
17 than receiving a decision from Judge DeArcy Hall on the
18 objections to my report and recommendation? What are we
19 going to do?

20 MS. TEMKIN: Your Honor, it's Maria Temkin.
21 Plaintiffs believe that we are, we should be ready, once
22 the decision is received, we should be ready for trial
23 which has not --

24 MR. KADOCHNIKOV: Defendant --

25 THE COURT: Go ahead, Ms. Temkin.

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1 MS. TEMKIN: Yeah. We have not
2 (indiscernible). If your Honor has a question about any
3 settlement discussions, we have not had so far and that
4 plaintiff at this time does not believe that they would
5 be fruitful.

6 THE COURT: Okay. Just one second. So you
7 think once we have a decision from Judge DeArcy Hall
8 you'll be ready for trial meaning you can submit a joint
9 pretrial order and any motions you want to make or
10 anything like that?

11 MS. TEMKIN: Exactly. Exhibit list,
12 plaintiffs, I mean witnesses. Plaintiff has submitted an
13 expert report. Defendants have not. We will have
14 experts on the stand so just (indiscernible) trial and
15 all the other deadlines with the Court.

16 THE COURT: All right. Mr. Kadochnikov?

17 MR. KADOCHNIKOV: Your Honor, defendants would
18 like to file for summary judgment once there's a final
19 decision on the motion to dismiss and we still haven't
20 file an answer.

21 THE COURT: There was no answer filed, huh?
22 So --

23 MR. KADOCHNIKOV: We filed a 12(b)(6).

24 THE COURT: That's correct. So you would need,
25 I guess you would need to, once it's decided, you would

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1 need to file an answer and then file a summary judgment
2 motion?

3 MR. KADOCHNIKOV: Yes.

4 THE COURT: And the summary judgment motion of
5 course would be dependent on what claims remain, whether
6 it's just unjust enrichment or something else.

7 MR. KADOCHNIKOV: Yeah.

8 THE COURT: Okay. Here's what we'll do. I
9 will issue an order certifying that discovery is closed
10 and I will note that the following a decision on the
11 objections defendants will need to file an answer, and
12 thereafter intend on moving for summary judgment, but
13 they will have to follow Judge DeArcy Hall's rules as far
14 as summary judgment is concerned. And I would think that
15 within 14 days after a decision from Judge DeArcy Hall
16 the defendants should be in a position to file their
17 answer. And then within two weeks after that, file their
18 pre-motion letter. And the way Judge DeArcy Hall works
19 is the pre-motion letter has to be accompanied by a Rule
20 56.1 statement. So you should be able to do that within
21 a couple of weeks. So that's the schedule we'll put in
22 place.

23 And of course, Ms. Temkin, you'll have to
24 respond to that 56.1 statement and the pre-motion letter.
25 And then Judge DeArcy Hall will do what she's going to

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1 do.

2 MS. TEMKIN: I understand that, your Honor.

3 THE COURT: You're sure there's no chance you
4 can resolve this case without all that?

5 MS. TEMKIN: I don't think the defendants --

6 MR. KADOCHNIKOV: I don't think so, your Honor.

7 MS. TEMKIN: Yeah, your Honor, we don't think
8 so.

9 THE COURT: Okay. All right. Anything else?

10 MS. TEMKIN: No, your Honor. Thank you.

11 MR. KADOCHNIKOV: Nothing from the defendants.

12 MS. TEMKIN: Yeah, nothing from plaintiffs
13 either, your Honor. Thank you.

14 THE COURT: All right. Thank you.

15 MR. KADOCHNIKOV: Thank you, your Honor. Have
16 a good day.

17 (Matter concluded)

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C E R T I F I C A T E

I, MARY GRECO, hereby certify that the foregoing transcript of the said proceedings is a true and accurate transcript from the electronic sound-recording of the proceedings reduced to typewriting in the above-entitled matter.

I FURTHER CERTIFY that I am not a relative or employee or attorney or counsel of any of the parties, nor a relative or employee of such attorney or counsel, or financially interested directly or indirectly in this action.

IN WITNESS WHEREOF, I hereunto set my hand this 21st day of October, 2023.



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